

REMARKS

In the February 23, 2005, Office Action, the Examiner asserted that Applicants had not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. Section 119(e) in that the filing date of the non-provisional application is alleged by the Examiner to be greater than twelve (12) months after the filing date of the October 24, 2000, filing date of Provisional Patent Application No. 60/242,898.

On the merits, Claims 1-10 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Lavery et al. (U.S. Patent No. 5,769,120).

With regard to the priority claim, Applicants believe that the Examiner is mistaken. Provisional Patent Application No. 60/242,898 (the "'898 Provisional Application") was filed on October 24, 2000, and the present utility patent application claiming priority thereof was filed on October 23, 2001, which is less than twelve (12) months after the '898 Provisional Application was filed. Accordingly, the present utility patent application is entitled to the October 24, 2000 priority of the '898 Provisional Application, and Applicants request acknowledgement of the same by the Examiner.

Applicants have amended Claims 1-3 and 5-10 to better define the present invention over the art cited by the Examiner, and have added new Claims 11-21.

Applicants' invention is dissimilar to the Lavery et al. reference in that Lavery et al. does not have a second mode in which the fluid dispensing system is not operable. Notwithstanding the Examiner's comment that Lavery et al. has a secondary mode,

Applicants maintain that Laverty et al. never discusses operation in more than a single mode in which the fluid dispensing system of Laverty et al. is operable and in which the optional remote can communicate with the device of Laverty et al.

Further, Appellant's maintain that Laverty et al. is not enabling. Should the Examiner maintain the Laverty et al. rejection, the Examiner is requested to point to specific passages in Laverty et al. which teach each element of the independent claims of Appellants invention as presently claimed.

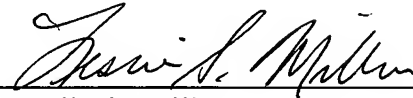
Each of independent Claims 1, 8, and 11 is believed to patentably define the present invention over the reference cited by the Examiner in the February 23, 2005, Office Action. Accordingly, Applicants respectfully believe that each of dependent Claims 1, 8, and 11 patentably define the present invention over the cited references, and request favorable consideration and allowance of these claims as well as the claims which are dependent upon these claims.

Accordingly, Claims 1-3 and 5-21 remain pending and are believed to be in condition for allowance at this time. As such, Applicants respectfully request reconsideration of the application, with an early and favorable decision being solicited. Should the Examiner believe that the prosecution of the application could be expedited,

the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

BY



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